



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ON

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/385,336	08/30/99	ROBERTS	B 3345-2180

QM12/0721

GREGOR N NEFF ESQ
WHITMAN BREED ABBOTT & MORGAN LLP
200 PARK AVENUE
NEW YORK NY 10166

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

3

DATE MAILED:

07/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/385,336

Applicant(s)
Roberts et al.

Examiner
Clark F. Dexter

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-34 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

Election/Restriction

1. Many of the claims are unclear as to what structure is intended to be claimed. However, as best understood from the originally-filed claims, restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 12-14, drawn to a **method** of vending game tickets.
- II. Claims 1, 2 and 3, drawn to a **ticket terminal** with code reading means and code comparing means.
- III. Claims 1, 2, 4, 6, 10, 11, 33 and 34, drawn to a **ticket terminal** with specific ticket feed structure and guide means.
- IV. Claims 1, 2 and 5, drawn to a **ticket terminal** with a printer.
- V. Claims 1, 2, 7, 8, 27 and 29, drawn to a **ticket terminal** with a separating mechanism.
- VI. Claims 1, 2 and 9, drawn to a **ticket terminal** with a separating mechanism and a guide/feed means.
- VII. Claims 15, 16, 17, 18, 22 and 26, drawn to a **dispenser** with a separating mechanism having a specific blade.
- VIII. Claims 15, 19, 20, 21, 22, 23, 24 and 25, drawn to a **dispenser** with a separating mechanism and feed means.

Art Unit: 3724

- IX. Claims 27, 28 and 31, drawn to **separating module** having a specific ticket drive structure.
 - X. Claims 27, 29 and 30, drawn to **separating module** having a specific separator member.
 - XI. Claims 27 and 32, drawn to drawn to a **separating module** having a cylindrical enclosure.
2. Claims 1-9 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the means for reading a code of Group II). It is noted that if claim 1 as originally filed is part of an elected group and determined to be patentable, rejoinder of claims 1-9 will be considered. The same applies to independent claims 10, 15, 22 and 27 with respect to the claims dependent therefrom.
3. The inventions are distinct, each from the other because of the following reasons:

Method (Group I) vs Apparatus (Groups II-XI)

4. Invention I and inventions II-XI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another materially different apparatus or by hand.

Art Unit: 3724

Apparatus Groups (II-XI)

5. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the dispensing drive means of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group III.

6. Inventions of groups II and IV are separate inventions. They are distinct because the invention of group II does not require the printer of group IV for patentability as evidenced by the omission thereof from group II, and the invention of group IV does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group IV.

7. Inventions of groups II and V are separate inventions. They are distinct because the invention of group II does not require the separating mechanism of group V for patentability as evidenced by the omission thereof from group II, and the invention of group V does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group V.

8. Inventions of groups II and VI are separate inventions. They are distinct because the invention of group II does not require the specific guide means (e.g., the feed means) of group VI for patentability as evidenced by the omission thereof from group II, and the invention of group VI does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group VI.

Art Unit: 3724

9. Inventions of groups II and VII are separate inventions. They are distinct because the invention of group II does not require the specifics of the dispenser (e.g., the storage area) of group VII for patentability as evidenced by the omission thereof from group II, and the invention of group VII does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group VII.

10. Inventions of groups II and VIII are separate inventions. They are distinct because the invention of group II does not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from group II, and the invention of group VIII does not require the means for reading a code of group II for patentability as evidenced by the omission thereof from group VIII.

11. Inventions of groups II and groups IX-XI are separate inventions. They are distinct because the invention of group II does not require the separator/drive module of groups IX-XI for patentability as evidenced by the omission thereof from group II, and the invention of groups IX-XI do not require the means for reading a code of group II for patentability as evidenced by the omission thereof from groups IX-VI.

Group III vs. Groups IV-XI

12. Inventions of groups III and IV are separate inventions. They are distinct because the invention of group III does not require the printer of group IV for patentability as evidenced by the omission thereof from group III, and the invention of group IV does not require the

Art Unit: 3724

dispensing drive means of group III for patentability as evidenced by the omission thereof from group IV.

13. Inventions of groups III and V are separate inventions. They are distinct because the invention of group III does not require the separating mechanism of group V for patentability as evidenced by the omission thereof from group III, and the invention of group V does not require the dispensing drive means of group III for patentability as evidenced by the omission thereof from group V.

14. Inventions of groups III and VI are separate inventions. They are distinct because the invention of group III does not require the specific guide means (e.g., the feed means) of group VI for patentability as evidenced by the omission thereof from group III, and the invention of group VI does not require the dispensing drive means of group III for patentability as evidenced by the omission thereof from group VI.

15. Inventions of groups III and VII are separate inventions. They are distinct because the invention of group III does not require the specifics of the dispenser (e.g., the storage area) of group VII for patentability as evidenced by the omission thereof from group III, and the invention of group VII does not require the currency acceptor device of group III for patentability as evidenced by the omission thereof from group VII.

16. Inventions of groups III and VIII are separate inventions. They are distinct because the invention of group III does not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from group III, and the

Art Unit: 3724

invention of group VIII does not require the currency acceptor device of group III for patentability as evidenced by the omission thereof from group VIII.

17. Inventions of groups III and groups IX-XI are separate inventions. They are distinct because the invention of group III does not require the separator/drive module of groups IX-XI for patentability as evidenced by the omission thereof from group III, and the invention of groups IX-XI do not require the currency acceptor device of group III for patentability as evidenced by the omission thereof from groups IX-VI.

Group IV vs Groups V-XI

18. Inventions of groups IV and V are separate inventions. They are distinct because the invention of group IV does not require the separating mechanism of group V for patentability as evidenced by the omission thereof from group IV, and the invention of group V does not require the printer of group IV for patentability as evidenced by the omission thereof from group V.

19. Inventions of groups IV and VI are separate inventions. They are distinct because the invention of group IV does not require the specific guide means (e.g., the feed means) of group VI for patentability as evidenced by the omission thereof from group IV, and the invention of group VI does not require the printer of group IV for patentability as evidenced by the omission thereof from group VI.

20. Inventions of groups IV and VII are separate inventions. They are distinct because the invention of group IV does not require the specifics of the dispenser (e.g., the storage area) of

Art Unit: 3724

group VII for patentability as evidenced by the omission thereof from group IV, and the invention of group VII does not require the currency acceptor device of group IV for patentability as evidenced by the omission thereof from group VII.

21. Inventions of groups IV and VIII are separate inventions. They are distinct because the invention of group IV does not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from group IV, and the invention of group VIII does not require the currency acceptor device of group IV for patentability as evidenced by the omission thereof from group VIII.

22. Inventions of groups IV and groups IX-XI are separate inventions. They are distinct because the invention of group IV does not require the separator/drive module of groups IX-XI for patentability as evidenced by the omission thereof from group IV, and the invention of groups IX-XI do not require the currency acceptor device of group IV for patentability as evidenced by the omission thereof from groups IX-VI.

Group V vs Groups VI-XI

23. Inventions of groups V and VI are separate inventions. They are distinct because the invention of group V does not require the specific guide means (e.g., the feed means) of group VI for patentability as evidenced by the omission thereof from group V, and the invention of group VI does not require the specifics of the separator mechanism (e.g., the rotary member, more

Art Unit: 3724

specifically, the rotary helical blade) of group V for patentability as evidenced by the omission thereof from group VI.

24. Inventions of groups V and VII are separate inventions. They are distinct because the invention of group V does not require the specifics of the dispenser (e.g., the storage area) of group VII for patentability as evidenced by the omission thereof from group V, and the invention of group VII does not require the currency acceptor device of group V for patentability as evidenced by the omission thereof from group VII.

25. Inventions of groups V and VIII are separate inventions. They are distinct because the invention of group V does not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from group V, and the invention of group VIII does not require the currency acceptor device of group V for patentability as evidenced by the omission thereof from group VIII.

26. Inventions of groups V and groups IX-XI are separate inventions. They are distinct because the invention of group V does not require the specifics of the separator/drive module (e.g., the drive transmission, the channels, the cylindrical enclosure) of groups IX-XI for patentability as evidenced by the omission thereof from group V, and the invention of groups IX-XI do not require the currency acceptor device of group V for patentability as evidenced by the omission thereof from groups IX-VI.

Art Unit: 3724

Group VI vs Groups VII-XI

27. Inventions of groups VI and VII are separate inventions. They are distinct because the invention of group VI does not require the specifics of the dispenser (e.g., the storage area) of group VII for patentability as evidenced by the omission thereof from group VI, and the invention of group VII does not require the currency acceptor device of group VI for patentability as evidenced by the omission thereof from group VII.

28. Inventions of groups VI and VIII are separate inventions. They are distinct because the invention of group VI does not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from group VI, and the invention of group VIII does not require the currency acceptor device of group VI for patentability as evidenced by the omission thereof from group VIII.

29. Inventions of groups VI and groups IX-XI are separate inventions. They are distinct because the invention of group VI does not require the specifics of the separator/drive module (e.g., the drive transmission, the channels, the cylindrical enclosure) of groups IX-XI for patentability as evidenced by the omission thereof from group VI, and the invention of groups IX-XI do not require the currency acceptor device of group VI for patentability as evidenced by the omission thereof from groups IX-VI.

Art Unit: 3724

Group VII vs Groups VIII-XI

30. Inventions of groups VII and VIII do not appear to define separate inventions and will be examined **together**.

31. Inventions of groups VII and groups IX-XI are separate inventions. They are distinct because the invention of group VII does not require the specifics of the separator/drive module (e.g., the drive transmission, the channels, the cylindrical enclosure) of groups IX-XI for patentability as evidenced by the omission thereof from group VII, and the invention of groups IX-XI do not require the specifics of the dispenser (e.g., the storage area) of group VII for patentability as evidenced by the omission thereof from groups IX-VI.

Group VIII vs Groups IX-XI

32. Inventions of groups VIII and groups IX-XI are separate inventions. They are distinct because the invention of group VIII does not require the specifics of the separator/drive module (e.g., the drive transmission, the channels, the cylindrical enclosure) of groups IX-XI for patentability as evidenced by the omission thereof from group VIII, and the invention of groups IX-XI do not require the specifics of the dispenser (e.g., the storage area) of group VIII for patentability as evidenced by the omission thereof from groups IX-VI.

Art Unit: 3724

Group IX vs Groups X and XI

33. Inventions of groups IX and X are separate inventions. They are distinct because the invention of group IX does not require the specifics of the separator member (e.g., the helical projection) of group X for patentability as evidenced by the omission thereof from group IX, and the invention of group X does not require the specific details of the ticket drive device (e.g., the drive transmission) of group IX for patentability as evidenced by the omission thereof from group X.

34. Inventions of groups IX and XI are separate inventions. They are distinct because the invention of group IX does not require the specific module structure (e.g., the cylindrical enclosure) of group XI for patentability as evidenced by the omission thereof from group IX, and the invention of group XI does not require the specific details of the drive motor (e.g., the drive transmission) of group IX for patentability as evidenced by the omission thereof from group XI.

Group X vs Group XI

35. Inventions of groups X and XI are separate inventions. They are distinct because the invention of group X does not require the specific module structure (e.g., the cylindrical enclosure) of group XI for patentability as evidenced by the omission thereof from group X, and the invention of group XI does not require the specifics of the separator member (e.g., the helical projection) of group X for patentability as evidenced by the omission thereof from group XI.

Art Unit: 3724

36. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

37. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

38. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Application/Control Number: 09/385,336

Page 14

Art Unit: 3724

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', written in a cursive style.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
July 20, 2000